

# EXHIBIT E

**FILED**

SEP 24 2010

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,

No. C-08-4238 EMC

Plaintiff,

**VERDICT**

v.

MICHAEL C. PATTISON,

Defendant.

Please provide a "yes" or "no" answer for each claim below.

**CLAIM 1**

Do you find, by the preponderance of the evidence, that Defendant violated Rule 10b-5 of the Exchange Act?

YES ☐

NO ☒

**CLAIM 2**

Do you find, by a preponderance of the evidence, that Defendant aided and abetted another person's violation of Rule 10b-5?

YES ☐

NO ☒

CLAIM 3

Do you find, by a preponderance of the evidence, that Defendant aided and abetted a violation of Section 13(a) of the Exchange Act by Embarcadero?

YES

~~\_\_\_\_\_~~ TP 9-24-2010

NO

\_\_\_\_\_✓

CLAIM 4

Do you find, by a preponderance of the evidence, that Defendant violated Section 13(b)(5) of the Exchange Act?

YES

\_\_\_\_\_✓

NO

\_\_\_\_\_

CLAIM 5

Do you find, by a preponderance of the evidence, that Defendant violated Rule 13b2-1 of the Exchange Act?

YES

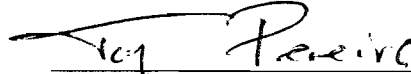
\_\_\_\_\_✓

NO

\_\_\_\_\_

Please sign and date below, and return this verdict to the Clerk.

Dated: September 24, 2010

  
Jury Foreperson